ESTTA Tracking number:

ESTTA416139 06/23/2011

Filing date:

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

#### **Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

#### Petitioner Information

Name	Michigan Job Training Partnership Association							
Entity	Corporation	Corporation Citizenship Michigan						
Address	2500 Kerry Street Suite 210 Lansing, MI 48912 UNITED STATES							

Attorney	Leon E. Redman
information	Brooks Kushman P.C.
	1000 Town Center 22nd Floor
	Southfield, MI 48075-1238
	UNITED STATES
	Iredman@brookskushman.com Phone:248-358-4400

### Registration Subject to Cancellation

Registration No	3598442	Registration date	03/31/2009
Registrant	David E Hoffman Jr 1325 G Street N.W., Suite 500 Washington, DC 20005 UNITED STATES	0	

# Goods/Services Subject to Cancellation

Class 035. First Use: 2008/09/01 First Use In Commerce: 2008/09/01

All goods and services in the class are cancelled, namely: Consulting services in the field of human resources development, namely, for the promotion of employee retention, career growth, and increased productivity for employees and employers; Consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for employees and employers; Consulting services, namely to employers, community organizations, brokers and beneficiaries, related to consumer information regarding health care plan options, products and programs in the field of managed care and state and federal medical care programs; Dissemination of advertising, scheduling and managing of training courses and programs for others via a global computer network; Employment agencies; Employment agency services, namely, temporary placement of child care providers; Employment counseling and recruiting; Employment hiring, recruiting, placement, staffing and career networking services; Employment outplacement services; Employment recruiting consultation; Employment services in the nature of talent casting in the fields of music, video, and films; Employment staffing in the field of Summer Youth Employment; Employment verification; Job and personnel placement; Job placement; Management and business consulting services in the field of training and recruitment; Organizing and conducting job fairs; Personnel recruitment services and employment agencies; Promoting the interests of people involved and concerned with youth sports; Providing an on-line searchable database featuring classified ad listings and employment opportunities; Providing an online searchable database featuring employment opportunities and content relevant to people 50 years of age and older; Providing information on the topic of determining job satisfaction; Temporary employment agencies; Testing to determine employment skills; Testing to determine job competency

# **Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
Filolity and likelihood of confusion	Trademark Act Section 2(d)

# Marks Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE		
Registration Date	NONE				
Word Mark	JOBFORCE				
Goods/Services	PROVIDING LEADERSHIP TRAINING AND SUPPORT SERVICES TO PROMOTE QUALITY AND EXCELLENCE FOR THE ADVANCEMENT OF THE WORKFORCE DEVELOPMENT SYSTEM AND ITS CUSTOMERS AND PROFESSIONALS.				

U.S. Application/ Registration No.	NONE	Application Date	NONE		
Registration Date	NONE				
Word Mark	THE JOB FORCE I	THE JOB FORCE BOARD			
Goods/Services	PROVIDING LEADERSHIP TRAINING AND SUPPORT SERVICES TO PROMOTE QUALITY AND EXCELLENCE FOR THE ADVANCEMENT OF THE WORKFORCE DEVELOPMENT SYSTEM AND ITS CUSTOMERS AND PROFESSIONALS.				

U.S. Application/ Registration No.	NONE	Application Date	NONE		
Registration Date	NONE				
Word Mark	MICHIGAN WORKS! THE JOB FORCE BOARD				
Goods/Services	PROVIDING LEADERSHIP TRAINING AND SUPPORT SERVICES TO PROMOTE QUALITY AND EXCELLENCE FOR THE ADVANCEMENT OF THE WORKFORCE DEVELOPMENT SYSTEM AND ITS CUSTOMERS AND PROFESSIONALS.				

Attachments	petition for cancellation revised.pdf ( 5 pages )(138872 bytes )
	Exhibit A to Petion for Cancellation.pdf ( 28 pages )(1361187 bytes )

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Leon E. Redman/
Name	Leon E. Redman
Date	06/23/2011

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

n the Matter of Registration No. 3,598,442: JOBFORCE					
Date of Registration: March 31, 2009					
MICHIGAN JOB TRAINING PARTNERSHIP ASSOCIATION,	) ) ) )				
Petitioner,	) Cancellation No				
V.	) ) )				
DAVID E. HOFFMAN JR.,	)				
Registrant.	) )				

### **PETITION FOR CANCELLATION**

Michigan Job Training Partnership Association, a Michigan non-profit corporation located and doing business at 2500 Kerry Street, Suite 210, Lansing, Michigan 48912 ("Petitioner"), believes it is damaged and will continue to be damaged by Registration No. 3,598,442 ("the Registration") of Mr. David E. Hoffman Jr. ("Mr. Hoffman") on the Principal Register of for the mark JOBFORCE and hereby petitions to cancel the same.

In support thereof, Petitioner states as follows:

- 1. Petitioner provides leadership training and support services to promote quality and excellence for the advancement of the workforce development system and its customers and professionals ("Petitioner's Services").
- 2. Since at least as early as 1999, Petitioner has continually used the trademarks JOBFORCE, THE JOB FORCE BOARD, and MICHIGAN WORKS! THE JOB FORCE

BOARD ("JOBFORCE Marks") in interstate commerce in connection with Petitioner's Services. See **Exhibit A** evidencing such continual use from 1999 through 2011, including archived use on the Internet Archive Wayback Machine website <a href="http://web.archive.org">http://web.archive.org</a> showing continual use of the JOBFORCE Marks by Petitioner for every year from 1999 through 2010. This use clearly predates the September 23, 2008 filing date relied on by Mr. Hoffman, and the September 1, 2008 first-use date of JOBFORCE submitted by Mr. Hoffman with respect to the Registration.

- 3. For over 12 years Petitioner has provided services under its JOBFORCE Marks and Petitioner has advertised and promoted its JOBFORCE Marks throughout the United States, which has included advertising on social media websites, such as Facebook.
- 4. By virtue of Petitioner's services, advertising and promotion of Petitioner's Services, its JOBFORCE Marks have become well known in connection with Petitioner and Petitioner's Services, and Petitioner now owns valuable goodwill in its JOBFORCE Marks.
- 5. On September 23, 2008, Mr. Hoffman filed an application to register the mark JOBFORCE for the following services, Application Serial No. 77/576,701:

International Class 035: Consulting services in the field of human resources development, namely, for the promotion of employee retention, career growth, and increased productivity for employees and employers; Consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for employees and employers; Consulting services, namely to employers, community organizations, brokers and beneficiaries, related to consumer information regarding health care plan options, products and programs in the field of managed care and state and federal medical care programs; Dissemination of advertising, scheduling and managing of training courses and programs for others via a global computer network; Employment agencies; Employment agency services, namely, temporary placement of child care providers; Employment counseling and recruiting; Employment hiring, recruiting, placement, staffing and career networking services; Employment outplacement services; Employment recruiting consultation; Employment services in the nature of talent casting in the fields of music, video, and films; Employment staffing in the field of Summer Youth Employment; Employment verification; Job and personnel placement; Job placement; Management and business consulting services in the field of training and recruitment; Organizing and conducting job fairs; Personnel recruitment services and employment agencies; Promoting the interests of people involved and concerned with youth sports; Providing an online searchable database featuring classified ad listings and employment opportunities; Providing an online searchable database featuring employment opportunities and content relevant to people 50 years of age and older; Providing information on the topic of determining job satisfaction; Temporary employment agencies; Testing to determine employment skills; Testing to determine job competency ("Mr. Hoffman's Services").

On March 31, 2009, Mr. Hoffman obtained Registration No. 3,598,442 for the trademark JOBFORCE for Mr. Hoffman's Services.

- 6. On information and belief, Mr. Hoffman made no use of the mark JOBFORCE before September 1, 2008, the first-use date claimed in the Registration.
- 7. There is no issue as to priority. Petitioner used its JOBFORCE Marks long prior to the date of first use of the mark JOBFORCE by Mr. Hoffman.
- 8. Mr. Hoffman's use and the Registration of the mark JOBFORCE is without Petitioner's consent or permission.
- 9. Mr. Hoffman's use of the mark JOBFORCE for Mr. Hoffman's Services is likely to cause confusion, mistake or deception with Petitioner and Petitioner's JOBFORCE Marks, and is likely to cause potential customers and others to believe erroneously that Mr. Hoffman's services are Petitioner's services, or that Mr. Hoffman or Mr. Hoffman's Services are connected with, sponsored by or approved by Petitioner.
- 10. Mr. Hoffman admits that these parties' marks are confusingly similar, since he has asserted that Petitioner's use of its JOBFORCE Marks in connection with its services infringes Mr. Hoffman's rights in the mark JOBFORCE of the Registration.
- 11. Mr. Hoffman has contacted the Facebook website, charging Petitioner with infringement of Mr. Hoffman's rights in his registered mark and sought to have Petitioner's content removed from the Facebook website based on such content using the JOBFORCE Marks, causing loss of customers and users of Petitioner's Services.

12. Petitioner's content using its JOBFORCE Marks has been wrongfully removed

from the Facebook website in response to Mr. Hoffman's assertion that such use infringes his

rights in the mark JOBFORCE of the Registration.

13 Accordingly, the Registration of the mark JOBFORCE by Mr. Hoffman is

damaging to Petitioner.

WHEREFORE, Petitioner respectfully requests that the Registration No. 3,598,442 be

canceled, and that this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner further reserves the right to amend this Petition for Cancellation to allege

additional grounds for cancellation under 15 U.S.C. § 1064, should Petitioner later discover facts

supporting such grounds.

The fee required in connection with the filing of this document is being paid

electronically concurrently with the filing of this Petition for Cancellation.

Please address all correspondence to Leon E. Redman at the address shown below.

Respectfully submitted,

By: \_\_/Leon E. Redman/\_\_\_

Leon E. Redman

Attorney for Petitioner

Date: June 23, 2011

**BROOKS KUSHMAN P.C.** 

1000 Town Center, 22nd Floor

Southfield, MI 48075-1238

Phone: 248-358-4400 – Fax: 248-358-3351

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## **CERTIFICATE OF TRANSMITTAL**

•	orrespondence is being electronically transmitted in Appeal Board through the Electronic System for he following date:
Date: June 23, 2011	/Leon E. Redman/
<u>CERTIFICA</u>	ATE OF SERVICE
	that I served a copy of <b>PETITION FOR</b> via First Class Mail, postage pre-paid, on this 23 <sup>rd</sup>
David E. Hoffman Jr. 1325 G Street NW, Suite 500 Washington DC 20005	
	/Leon E. Redman/

# EXHIBIT A



http://www.jobforce.org/

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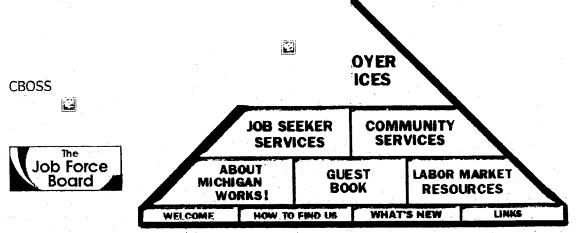
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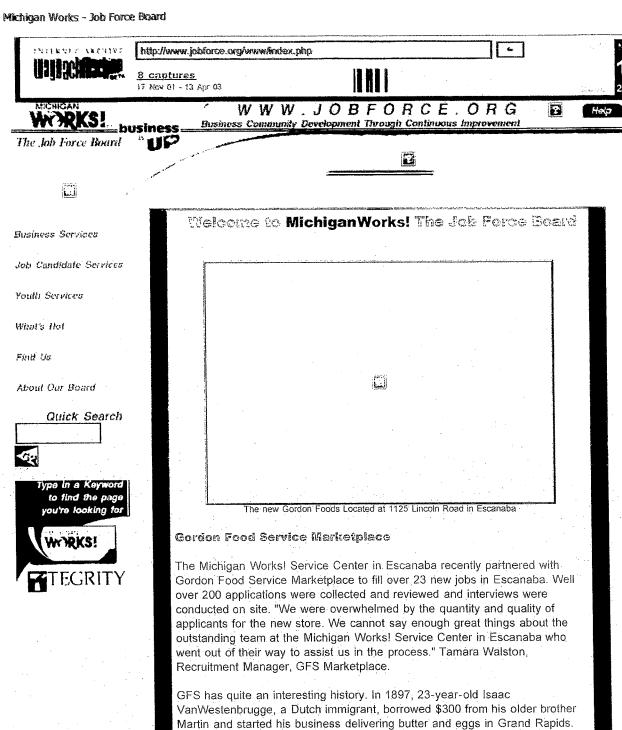


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# The Job Force



Business Community Development Through Continuous Improvement



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GFS has quite an interesting history. In 1897, 23-year-old Isaac VanWestenbrugge, a Dutch immigrant, borrowed \$300 from his older brother Martin and started his business delivering butter and eggs in Grand Rapids. GFS has traveled this journey form delivering butter and eggs via horse and wagon to GFS' current distinction as the largest independent foodservice distributor in America. In 2001 they are coming to Escanaba! GFS is still family-owned and committed to its customers and employees. With over 81 stores strategically located in 4 midwestern states, GFS Marketplace is a wonderful new addition to our area. Residents will soon be able to take advantage of a marketplace that is dedicated to providing superior customer service and restaurant quality foodservice products.

GFS Marketplace stores are open to the public and do not require a membership fee. Stores serve foodservice operators who prefer to pick up their products including: restaurants, churches, day care providers, service clubs, caterers, adult foster care facilities, convenience stores and concessionaires. Party planners and fundraising groups also find products that

meet their needs at GFS Marketplace. Stocked with nearly 2,500 of the most widely used foodservice items, customers can depend on their inventory to meet their needs. Produce, dairy, frozen foods, meats, seafood, pork, poultry, baking items, canned goods, paper products, party decorations, janitorial supplies, light cooking equipment and more are available just around the corner. Over 10,000 more products can be ordered from the warehouse for delivery to the store within 24-48 hours.

Their knowledgeable trained staff is ready to help you with special requests, product information and menu planning. They are prepared to help customers plan special occasions for the home or office with menu ideas and serving suggestions. At GFS Marketplace they take pride exceeding their customers' expectations.

GFS' cornerstone values keep them focused on "what's important in life" as they serve their customers and work with employees.

- · Customer is King
- · Networking Organization: Initiative, Teamwork, Decision-Making
- · Everyone is Important: Focus on Individual Excellence
- Rewards for Performance: Financial Incentives, Recognition
- "War Room Mentality": Low Cost Producer, Emphasis on Results and Integrity
- · Integrity: Customers, Employees, Suppliers
- · Philosophy of sharing ideas: Profit sharing

The new store in Escanaba will open near the end of October. The Marketplace will not only be a great place for area residents to work but will meet many needs of consumers and business here in Delta County!

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Your local Michigan Works! Service Center is not affiliated with the Bureau of Workers and Unemployment Compensations, but we do work closely with the Bureau and will do our best to assist you in whatever way that we can.

**FORMS-** You may obtain a Benefit Claim Form by stopping by the Bureau of Workers and Unemployment Compensation office, or by stopping by your local Michigan Works! Service Center. The form can also be downloaded from <a href="https://www.michigan.gov/bwuc">www.michigan.gov/bwuc</a>

**QUESTIONS ON AN EXISTING CLAIM-** For information regarding an existing claim, please call the MARVIN automated system toll-free at 1-866-638-3993, or call the Bureau's claim and hotline number at 1-800-638-3995 from 7 AM to 7 PM EST.

**GENERAL QUESTIONS-** If you need more detailed information regarding The Bureau of Workers and Unemployment Compensation, please call the toll free hotline at 1-800-638-3995 from 7 AM to 7 PM EST, or visit their website at <a href="https://www.michigan.gov/bwuc">www.michigan.gov/bwuc</a>

Clare Bedding helps to provide our area with firm mattresses as well as a firm local economy

Since 1936 the people at Clare Bedding in Escanaba have very quietly been producing a large number of high quality mattresses and box springs and bringing millions of dollars into our area. Many people may not know how much this company influences the economy of Delta County and the Upper Peninsula. With their goal of increasing their market share in Michigan, Wisconsin and Illinois, this positive influence is sure to continue and grow.

Workers at the Clare Bedding factory assembling mattresses

Michigan Works! Is proud to work with the team at Clare Bedding. Recently the staff at the Michigan Works! Service Center in Delta County has assisted the company with recruiting and screening qualified applicants, employee handbook, employment law posters, employment applications and a variety of human resource related services. Don Balsavich says of the Michigan Works Services "Michigan Works! has proven to be a tremendous asset to our company, an extension of our human resources department. They continue to work closely with our management staff to keep us in compliance with everchanging state and federal guidelines."

Clare Bedding is 1 of 14 domestic factories that produce Restonic products. There are an additional 17 international factories in countries such as Australia, The Dominican Republic and Korea. The mattresses made here in Escanaba ship regionally, primarily in Michigan, Wisconsin, and Northern Illinois. Clare Bedding is located strategically at the tip of Lake Michigan and can therefore very effectively serve these areas.

With an average daily production of 200 beds a day, the semi-trucks are constantly running and there is a lot of activity happening on Stephenson Avenue. Out of all the domestic factories, Clare has the highest average unit price. This is attributed to their commitment to the highest possible quality, customer service and continuous improvement. Clare Bedding has bragging rights to having the fewest returns of product, not only in their company, but also in the industry as a whole. Industry wide the average rate of return is about four to six percent, Clare bedding's average is only ¼ of one percent. They attribute this to a number of quality control systems used exclusively by their factory. These include using the highest quality raw materials available such as the use of heavy mill plastic to wrap products and cardboard boots to protect the corners of the mattresses and box springs.

One of the unique products produced at Clare Bedding is the "Marvelous Middle" on the Comfort Care Mattress line. It really is marvelous too; this is one comfortable and durable mattress. The trick is extra support in the center third of the mattress. The center third of the innerspring is reinforced with additional tempered steel coils to provide 25% more center support, preventing sagging. High-density foam creates a firmer edge, preventing edge breakdown and allowing a complete edge-to-edge sleeping surface. The patented stitching process anchors the comfort layers to the innerspring in the center third to prevent body impressions and upholstery fatigue. The exclusive and lifetime guaranteed blue watch band steel spring used in Flexsteel seating furniture is also used in conjunction with the company's exclusive Flexsteel mattress sets to deliver unmatched durability and resiliency in a sleep set foundation.

Continuous Improvement is a priority in Escanaba's Clare Bedding. In the initiative administered by their corporate representatives, Escanaba has been the number one factory since the initiative began. This is because they refuse to use short cuts.

Their niche is quality and that is apparent in the materials they use in the products. These materials include such components as: wool from New Zealand; high quality latex foam; jacquard fabrics from Europe; and Dacron fiber that will not compress, compact or migrate through the pad.

The factory is also run in an environmentally sound manner. On average, eighty to ninety percent of scrap is recycled. This includes: scrap foam and trim; cardboard, insulation pads and even scrap metal bands and defective springs. Everything is sorted, separated and bagged up to go off to its respective recycling facility all at no profit to the company. They just break even on the effort.

Clare Bedding supports our local community in a wide variety of ways. From supporting area school sewing classes with needed fabric and tours of the factory, to donations for fundraisers. The Alliance Against Violence and Abuse, Holy Name School, U.P. Whitetails, Delta Area Chamber of commerce, Eskimo Fan Club, Red Cross or other special projects, Clare Bedding is certainly a good corporate citizen and a real credit to our area.

http://www.jobforce.org/www/index.php

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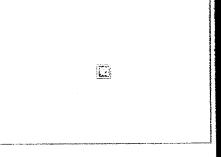
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The Job Force Board is asking for your support in getting our veterans back to work. The U.S. Department of Labor and the President's National Hire Veterans Committee are kicking off a nationwide campaign entitled "Hire Vets First" on September 9, 2004... Read Rest of Letter

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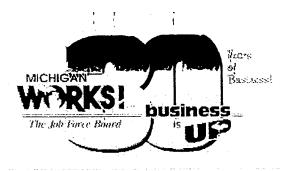
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Electrical Line Technician Program Applications Now Available!

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Check out this new publication by MichiganWorks! and OSF St. Francis Hospital



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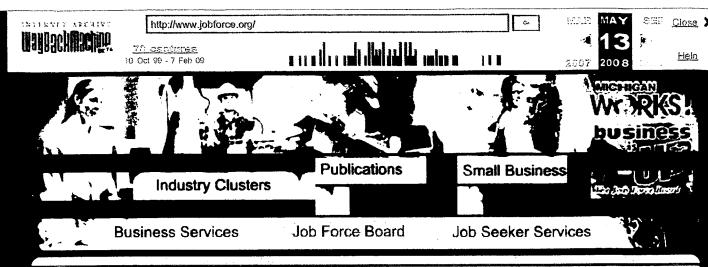




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#### **About Us:**

The **Job Force Board** is a business-led policy and oversight organization responsible for creating a comprehensive, community-wide response to the challenges of building a highly skilled workforce and a competitive regional economy. As a convener of community leaders or stakeholders, the **Job Force Board** engages in an ongoing strategic planning process to identify strategies, actions and measurements that will create and maintain a healthy and growing economy, equipped with a local workforce that has the knowledge and skills needed by business in a technological and competitive marketplace. The result will be to draw from a vibrant pool of skilled workers enabling business and industry to thrive year-round. In turn, this business vitality creates the potential for higher paying jobs; thus improving the overall regional economy.

The strategic role of the **Job Force Board** is to define strengths, weaknesses, opportunities and threats in our region. We focus on desired economic and workforce development results in all segments of the community, develop short and long-term community goals for workforce development and also encourage community involvement.

Businesses' workforce requirements shape the goals of the **Job Force Board** and the Michigan Works! **Service Center System.** By listening to businesses, the board is able to direct the workforce toward value-added, career preparation services, and toward education and training that produces marketable skills that are in demand for those businesses.

# Upcoming Events.....

# **BUSINESS AFTER HOURS**

Sponsored By: Delta Chamber, Michigan Works!

& Came's BP and Bubble Car Wash

Where: Terrace Bay Inn

When: Wednesday, May 28th

Time: 5:30-7:30 p.m. EST



Lie Beießtelle.



Americaning to a Great Career with a Great Company. Right Here?

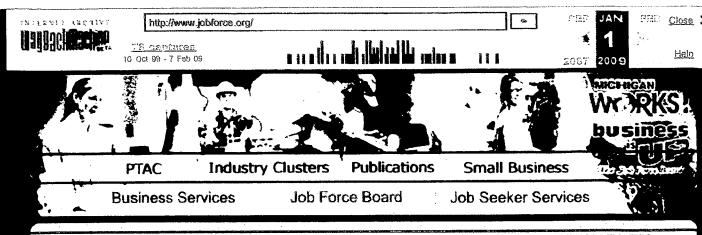
DATE: Thursday, May 29, 2008

PLACE: American Eagle Airlines Maintenance Facility

Learn more about training and career opportunities. PSVF to Julie (Marquette) at 906.228.0076

or Leurie (Fedinaburat 906,789 9732 by Wednesday, May 21, 2008,

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#### **About Us:**

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Enabling workers to acquire necessary skills to succeed in a competitive global economy is underway with the No Worker Left Behind initiative. Tuition assistance is available to help unemployed or workers in lower wage jobs to obtain training in high demand occupations within the central Upper Peninsula. The demand occupation training list can be found on the "Job Seeker" page. For more information on No Worker Left Behind click on the link below.



Click here to view video about some of our Upper Michigan business Success Stories

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# 8th Annual Michigan Technical Health & Safety Education Center Conference Conference

When: January 30, 2009

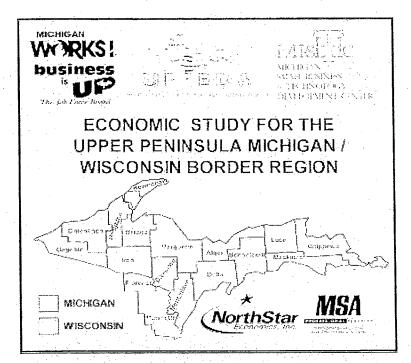
Where: Bay College Joseph Heirman Center

Time: 8:00 am - 4:30 pm

For more information Contact Mary Dittrich at 906.786.6902 or or 800.221.2001 ext 1227 or by emailing dittrichm@baycollege.edu!

To Visit M-TEC's Website Click HERE!





Click Here for Community Input to Economic Impact Study



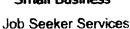












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Job Force Board

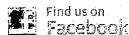
#### Sign up for our **Email Newsletter**

Privacy by (E) \$250\$0bccribe\*\* For Email Marketing you can trust

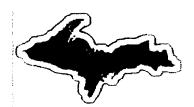
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EXPLORER



Funded by an SBA Innovative Economies Award



rom 1:00 P.M. to 4:30 P.M. EST ektail Networking Reception

Michigan Technological University Rozsa Center 1400 Townsond Drive Houghton, MI 49931

#### **CLICK HERE TO REGISTER!**



# OPEN HOUSE & TOUR

# Local Jobs, Local Training

Research & Development Facility

Learn more about Bay College's CAD - Computer Alded Design Program

Tour EMP's R&D Facility

Hear from other UP companies who hire CAD operators DATE: Friday, July 29, 2011

Session 1: Begins 9:30am

Session 2: Begins 1:30pm

PLACE: Engineered Machined Products

Research & Development Facility

2701 North 30th Street Escanaba, MI 49829

FIZE Website http://www.emp.com/econ/acont/lacinfict/

#### **DID YOU KNOW?**

- Bay has a CAD Program
- Go to www.baycad.us to learn more
- Many graduates work in the industry
- · Local companies need CAD Expert

If you are interested in learning more about training and career opportunities available, or to register for this event, <u>PLEASE CLICK HERE</u>.













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# The Upper Great Lakes Education Legislative Summit & Economic and Workforce Development Summit

Save the Date! September 27-28, 2011

"Making Connections: Turning Vision into Action"

September 27, 2011
Social Networking at the Holiday Inn \* Marquette

September 28, 2011 The Summit at Northern Michigan University Agenda and Program to Pollov

More Information Soon at www.jobforce.org www.maresa.org

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UPPER PENINSOLA ECÔNOMICIDEVELOPMENT ALLIANCE

To Register for the September 8th UPEDA Meeting Please Click Here!





#### PURE ICHIGAN

Michigan Economic Revolupis ant Conforation

Why Michigan? Our case in 2 minutes http://www.michiganadvantage.org/Why-Michigan/

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mwjob@jobforca.org
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